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In re Application of  
YIP et al.  
Application No.: 09/403,608  
PCT No.: PCT/AU98/00868  
Int. Filing Date: 18 October 1998  
Priority Date: 21 October 1997  
Attorney Docket No.: 025265-155  
For: COATED SUNGLASS LENS

DECISION ON REQUEST  
UNDER 37 CFR 1.497(d)

This is a decision on "Renewed Petition Under 37 CFR 1.48(a)," which is being treated as a request under 37 CFR 1.497(d) filed 12 March 2001 requesting the addition of fifth joint inventor, Randy Lee Gove. Applicants' previous petition was dismissed in a decision dated 12 December 2000 because applicants did not submit the written consent of the assignee.

On 12 March 2001, applicant filed the present petition.

DISCUSSION

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants' have satisfied items (1), (2) and (3).

In regard to item (4) above, applicants have provided a "Consent of Assignee to Change in Inventorship Pursuant to 37 CFR 1.48(a)(4)." However, the assignments provided does not establish ownership to the application as they fail to sufficiently identify the application. See 37 CFR 3.21, which states:

An assignment relating to a patent must identify the patent by the patent number. An assignment relating to a national patent application must identify the national patent application by the application number (consisting of the series code and the

serial number, e.g., 07/123,456). An assignment relating to an international patent application which designates the United States of America must identify the international application by the international application number (e.g., PCT/US90/01234). If an assignment of a patent application filed under Section 1.53(b) is executed concurrently with, or subsequent to, the execution of the patent application, but before the patent application is filed, it must identify the patent application by its date of execution, name of each inventor, and title of the invention so that there can be no mistake as to the patent application intended. If an assignment of a provisional application under Section 1.53(c) is executed before the provisional application is filed, it must identify the provisional application by name of each inventor and title of the invention so that there can be no mistake as to the provisional application intended.

The assignments do not identify this application and the dates of execution are either wrong or not included. Therefore, applicants have not satisfied Item 4.

### CONCLUSION

The renewed request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.


Applicant is given **TWO MONTH** from the mailing date of this decision to submit any desired request for reconsideration. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)." No additional petition fee is required.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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